

## **REMARKS**

Entry of this amendment prior to examination is respectfully requested.

By the present amendment, claims 12-36 are presented for examination in this case (noting that claims 1-11 and 37-112 have been cancelled without prejudice). The title is correspondingly being amended to be more clearly description of the presently claimed invention. Also, the specification has been amended to provide the continuing data required by 37 CFR § 1.72.

It is noted that claims 12-36 have been grouped in the Restriction Requirement in the original parent application serial number 09/616,072 in a Restriction Requirement dated April 24, 2001 as Groups III through VIII. It is respectfully requested that the Restriction Requirement with regard to Groups III through VIII (that is, claims 12-26) set forth on pages two and three of the April 24, 2001 Restriction Requirement be reconsidered and examined together. With particular regard to this, it is noted that MPEP 803 specifies:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” (Emphasis added).

It is respectfully submitted that with regard to claims 12-36, these claims can be searched and examined together without serious burden, as set forth in MPEP 803. In particular, as will be discussed below, these claims have a close relationship which will require substantially searching in the same areas and many common issues. Therefore, in accordance with the provisions of MPEP 803, common examination of claims 12-36 is earnestly solicited.

More specifically, each of claims 12-36 is directed to a semiconductor circuit device having a well of a first conductivity type with a semiconductor region of a second conductivity type formed inside the well. In conjunction with this, a first gate is formed over the substrate that includes the well for a first insulator film. A second gate is formed over the first gate over a second insulator film and a third gate is formed and isolated from the first gate through a third insulator film. As such, the fact that all of claims 12-35 are directed to such a three gate arrangement very specifically directs the search and consideration of prior art and issues in this case to a particularly limited area of concentration.

As noted in the original Restriction Requirement of April 24, 2001, the claims differ from one another with regard to various recitations concerning the second and third gates. However, as noted above, the prior art search and the overall structure of the device will particularly focus the search and issues to a concentrated area. As such, it is respectfully submitted that the variations between these claims, although distinct, are closely related to one another to the point that searching a limited number of these variations as set forth in claims 12-36 should not represent a serious burden. Regarding this, it is noted that there are many other groups of claims listed in the original Restriction Requirement of April 24, 2001, and Applicants are presently requesting that a limited group of these (that is, claims 12-36) be considered together due to their common close relationship to one another.

On the other hand, it is noted that maintaining the original Restriction Requirement between groups III through VIII will create a great deal of redundancy and additional expense both on the part of the USPTO and the Applicants. In other words, if six different applications have to be filed, the processing costs in the USPTO and the Applicants' fees will be greatly increased to examine what amounts

to very closely related inventions. This will take up additional time at the USPTO which is needed for examining other applications. In particular, it will use significant resources in all departments of the USPTO in which the cases come into contact which resources could be concentrated into examination of these closely related claims in a single application.

At the same time, the increase of cost to the Applicants in terms of filing fees, issue fees, additional prosecution fees for redundant activities and, ultimately, maintenance fees, is greatly increased. It is respectfully submitted that, given the closely relationship between the inventions defined in claims 12-36, it is wasteful both of the USPTO resources and the Applicants' resources to examine this particular group of claims in six separate applications. Therefore, in keeping with the spirit of MPEP 803, reconsideration and examination of claims 12-36 as a group is earnestly solicited.

In view of the foregoing, entry of the present amendments and examination of the above-identified application on the merits in due course, are respectfully requested.

Kindly charge any additional fees due, or credit overpayment of fees, to Deposit Account No. 01-2135 (500.38759VV2).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 

Gregory E. Montone  
Reg. No. 28,141

GEM/dlt

1300 North Seventeenth Street, Suite 1800  
Arlington, Virginia 22209  
Telephone: (703) 312-6600  
Facsimile: (703) 312-6666